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CATERPILLAR INC.
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PATENT DEPARTMENT
PEORIA, IL 61629-6490

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OFFICE OF PETITIONS

In re Application of :
Michael A. Calamari et al :
Application No. 09/817,011 :
Filed: March 23, 2001 : DECISION GRANTING PETITION
Attorney Docket No. 98-808-1 : UNDER 37 CFR 1.137(a)

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed July 28, 2003, to revive the above-identified application.¹

The petition is granted.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed April 23, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 24, 2001.

The evidence submitted is sufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). Accordingly, the reply to the Notice of April 23, 2001 is accepted as having been unintentionally delayed.

As authorized, the following current fees in effect have been assessed to petitioner's deposit account: \$750 for the filing fee and \$130 for the surcharge fee.

Inquiries specific to this decision on petition may be directed to the undersigned at (703) 305-8680.

This application is being forwarded to the Office of Initial Patent Examination for completion of the pre-examination process.



Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ This petition is captioned for Application No. 09/815,920; however, the correspondence attached thereto is captioned for the instant application. Since it is clear that the petition was intended for the instant application, the petition has been treated as having been filed in this application.